

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

MDL No. 1456
Master File No. 01-12257 PBS

THIS DOCUMENT RELATES TO:

County of Orange v. Abbott Labs., et al.,
1:07-cv-10879-PBS

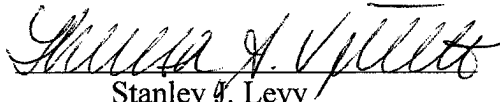
Judge Patti B. Saris

NOTICE OF VOLUNTARY DISMISSAL OF ASTELLAS PHARMA U.S., INC.

Pursuant to Fed. R. Civ. Proc. 41(a)(1)(A)(i), Plaintiff County of Orange hereby dismisses without prejudice all claims against Defendant Astellas Pharma U.S., Inc. Astellas Pharma U.S., Inc. has not served an answer or motion for summary judgment in the above-captioned matter; therefore, Plaintiff's claims will be dismissed without order of this Court, upon filing of this notice of dismissal.

Respectfully submitted,

Dated this 28th day of May, 2008.



Stanley A. Levy
Theresa A. Vitello
LEVY, PHILLIPS & KONIGSBERG, LLP
800 Third Ave.
13th Floor
New York, New York 10022

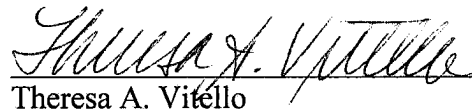
ATTORNEYS FOR PLAINTIFF
COUNTY OF ORANGE

CERTIFICATE OF SERVICE

I hereby certify that I have on this 28th day of May, 2008, caused a true and correct copy of the foregoing **NOTICE OF VOLUNTARY DISMISSAL OF ASTELLAS PHARMA U.S., INC.** to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

The foregoing **NOTICE OF VOLUNTARY DISMISSAL OF ASTELLAS PHARMA U.S., INC.** was also served via First Class Mail on:

Sharon Porcellio, Esq.
Lippes Mathias Wexler Friedman, LLP
665 Main St., Ste. 300
Buffalo, NY 14203


Theresa A. Vitello